

By: West

S.B. No. 416

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting a person's waiver of a right to an expunction or to an order of nondisclosure with respect to a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 55.01, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Article 1.14(a), a person may not waive, as part of an agreement regarding the disposition of criminal charges based on the person's commission of an alleged offense, any right of the person to an expunction under this chapter that may exist in relation to that offense on or after the date the waiver is signed. A purported waiver of that right is void.

SECTION 2. Section 411.081, Government Code, is amended by adding Subsection (j) to read as follows:

(j) Notwithstanding Article 1.14(a), Code of Criminal Procedure, a person may not waive, as part of an agreement regarding the disposition of criminal charges based on the person's commission of an alleged offense, any right of the person to an order of nondisclosure under this section that may exist in relation to that offense on or after the date the waiver is signed. A purported waiver of that right is void.

SECTION 3. The changes in law made by this Act apply only to a waiver of a person's right to an expunction or an order of

1 nondisclosure made on or after the effective date of this Act. A  
2 waiver made before the effective date of this Act is governed by the  
3 law in effect on the date the waiver was made, and the former law is  
4 continued in effect for that purpose.

5       SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2015.